

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILAGROS CANALES-JACOBS,

Plaintiff,

08 Civ. 03434 (JMM)

-against-

NEW YORK STATE OFFICE
OF COURT ADMINISTRATION,

ANSWER

Defendant.

Defendant New York State Office of Court Administration, by its attorney, Michael Colodner, in answer to the complaint, alleges:

1. Denies all allegations contained in the complaint, except admits that plaintiff was employed by the Unified Court System in various titles from 1981 to 2006, that plaintiff was terminated from her position on November 21, 2006 as a result of a formal evidentiary disciplinary proceeding where she was represented by counsel, that plaintiff thereafter filed a complaint with the Equal Employment Opportunity Commission and received a right-to-sue letter.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

2. This complaint fails to state a cause of action upon which relief can be

granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

3. Plaintiff's claims are barred by the applicable statute of limitations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

4. Plaintiff's claims are barred by the doctrine of res judicata.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

5. Plaintiff's claims are barred by the doctrine of collateral estoppel.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

6. The Court lacks subject matter jurisdiction over the claims raised.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

7. The action is barred by the Eleventh Amendment.

WHEREFORE, the complaint should be dismissed.

Dated: New York, New York
July 10, 2008

MICHAEL COLODNER
Attorney for Defendant
Office of Court Administration
25 Beaver Street - 11th Floor
New York, New York 10004
(212) 428-2150

By: 
PEDRO MORALES (PM-4618)

TO: Milagros Canales-Jacobs
30 St. John's Place
Brooklyn, New York 11217
(718) 636-8722

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SOUTHERN DISTRICT OF NEW YORK

MILAGROS CANALES-JACOBS,

Plaintiff,

08 Civ. 03434 (JMM)

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NEW YORK STATE OFFICE
OF COURT ADMINISTRATION,

AFFIDAVIT OF SERVICE

Defendant.

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

PEDRO MORALES, being duly sworn deposes and says that deponent is over the age of 18 years, is not a party to this action, and that on July 10, 2008, deponent served defendant Office of Court Administration's answer to the complaint by mail by depositing a true and accurate copy of that paper, enclosed in a properly-addressed envelope with first class postage duly paid and affixed to the envelope, in an official mail depository of the United States Postal Service located at the United States Postal Service Whitehall Retail Station, 1 Whitehall Street, New York, New York 10004, with the envelope addressed to:

Milagros Canales-Jacobs
30 St. John's Place
Brooklyn, New York 11217.



Pedro Morales

Sworn to before me this
10th day of July, 2008



Notary Public

LORNA C. GREEN
Notary Public, State of New York
No. 01GR6047180
Qualified in Richmond County
Commission Expires Aug. 28, 2010